IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2805 of 2005

Between:

M/s.Orient Longman Private Limited,

A registered company under the Registration Company Act, 1956, represented by its Vice President Mr. Jagan Mohan Reddy and its Regd.Office at 3-6-752, Himayathnagar, hyderabad.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.

2. The Mandal Revenue Officer, Khairatabad Mandal, Hyderabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or a direction or a writ more particularly a writ in the nature of mandamus declaring the inaction of the Revenue Divisional Officer, Secunderbad Division, the first respondent herein in not passing the orders on the stay petition filed by the petitiaoner in Appeal No.B/493/2005 as illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.P.PRATAP REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

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The petitioner herein claims to be in occupation of the premises bearing Municipal Door No.6-3-1100/3, admeasuring
371 Sq.Yds., situated in Sy.Nos.223 and 225 of Somajiguda Village, Khairatabad Mandal, Hyderabad District, having purchased the same under a registered sale deed. While so, the second respondent-Mandal Revenue Officer, issued a show cause notice dated 06-12-2004 under Section 7 of the A.P. Land Encroachment Act, 1905, calling upon the petitioner to show cause as to why he should not be evicted. The petitioner states that immediately he submitted his explanation on 28-12-2004, however, the second respondent erroneously passed an order dated 05-01-2005 directing eviction of the petitioner under Section 6 of the A.P. Land Encroachment Act, 1905. Aggrieved by the said order, the petitioner filed an appeal before the first respondent-Revenue Divisional Officer, Scunderabad Division. The said appeal has been taken on file as Appeal No.B/493/2005.

The only grievance of the petitioner in this writ petition is that in spite of application seeking stay of all further proceedings, in pursuance of the order of eviction dated 05-01-2005, first respondent failed to consider the same and no orders have been passed, but in the meanwhile, the second respondent is taking steps to implement the order dated 05-01-2005. Hence this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents, I am of the view, since admittedly the statutory appeal is pending, it is necessary to protect the possession

of the petitioner till disposal of the appeal.

Accordingly, the writ petition is disposed of with a direction to the first respondent-Revenue Divisional Officer, to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time the eviction order dated 05-01-2005 passed by the second respondent shall not be given effect to.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 17-02-2005

LSK

ASSISTANT REGISTRAR

To

1. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.

2. The Mandal Revenue Officer, Khairatabad Mandal, Hyderabad District.

3. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad, (O.U.T).

4. Two C.D. copies.